



THE ATTORNEY GENERAL OF TEXAS

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March 10, 1969

Senator Tom Creighton
Chairman, Water and
Conservation Committee
Texas State Senate
Capitol Building
Austin, Texas

Opinion N. M-353

Re: Senate Bill No. 129, an
Act amending powers and
authorities of the Red
River Authority and to
change the qualifications
of Directors; constitu-
tionality under Section
59(d), Article XVI, of
the Texas Constitution.

Dear Senator Creighton:

You have requested our opinion as to the application
of the requirements of Section 59(d) of Article XVI, of the
Texas Constitution, to Senate Bill No. 129, 61st Legislature.

This bill proposes to amend Chapter 279, Acts of the
56th Legislature, 1959, as amended (Article 8280-228, Vernon's
Civil Statutes). You further state that the effect of this
Act is to alter the powers and authorities of the Red River
Authority and to change the qualifications of Directors.
Specifically, Section 14(a) of Article 8280-228, would be
amended so as to permit the authority to exercise its powers
outside the counties expressly named as part of the authority;
Section 16 would be amended to authorize the authority to
convey the title or use of water of the Red River, for use
in other states which are adjacent to the Red River; and
Section 4 would be amended to alter the qualifications of the
directors.

The Texas Water Rights Commission has raised a ques-
tion of application of the requirement of Section 59(d) of
Article XVI of the Constitution of Texas, and you advise
that notice of intention of introducing the bill as required
by that Section was not published prior to its introduction
in the Senate.

Section 59(d) of Article XVI, of the Constitution of
Texas prohibits the passage of any bill, "...if such bill
(1) adds additional land to the district, (2) alters the

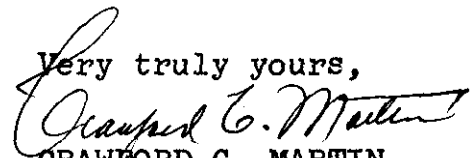
taxing authority of the district, (3) alters the authority of the district with respect to the issuance of bonds, or (4) alters the qualifications or terms of the office of the members of the governing body of the district", unless notice of the intention to introduce such a bill, together with a copy of the bill has been published at least thirty days and not more than ninety days prior to the introduction thereof in a newspaper or newspapers having general circulation in a county or counties in which that district or any part thereof is or will be located. In addition, delivery is required of a copy of such notice and such bill to the Governor, who shall submit such notice and bill to the Texas Water Rights Commission, which shall in turn file its recommendation as to such bill with the Governor, Lieutenant Governor, and Speaker of the House of Representatives within thirty days from date notice was received by the Texas Water Rights Commission.

It is, therefore, our opinion that Senate Bill No. 129 if enacted, would be in violation of the constitutional prohibitions contained in Section 59(d) of Article XVI, of the Constitution of Texas. Attorney General Opinion M-59 (1967).

SUMMARY

Senate Bill No. 129, relating to the powers of the Red River Authority, if enacted, would be in violation of Section 59(d) of Article XVI of the Texas Constitution, as the notices provided for in Section 59(d) of Article XVI were not given.

Very truly yours,


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Assistant Attorney General

APPROVED:

OPINION COMMITTEE

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